

REMARKS

Claims 1-7, 9-19 and 28-39 were pending in the above-identified application when examined. Claims 1-7, 9-19, and 28-37 stand rejected, and claims 38 and 39 have been objected to but were indicated as being allowable if properly amended. The rejection was made final. Pursuant to 37 C.F.R. 1.116, Applicants request entry of the above-amendment, which cancels rejected claims 1-7, 9-16, 19, and 28-37, amends claims 38 and 39 in compliance with a form indicated allowable, and amends claims 17 and 18 to a form that is allowable for the reasons set forth below.

Applicants also request that the title of the application be changed to "3-D RECONSTRUCTION PROCESS" to better represent the remaining claims.

Claims 1, 5-7, 9, 10, 14, 16-19, and 28-30 were rejected under 35 U.S.C. § 102(b) as anticipated by the article, "Automatic Reconstructions of 3D Objects using a Mobile Monoscopic Camera," IEEE Proceedings of the International Conference on Recent Advances in 3-D Digital Imaging and Modeling, (1997), hereinafter Niem. Claims 1, 5-7, 9, 10, 14, 16, 19, and 28-30 are canceled. Claims 17 and 18 are amended to depend from objected-to claim 38 and are patentable for at least the same reasons that claim 38 is patentable as set forth below. For the above reasons, Applicants request reconsideration and withdrawal of the rejection of claims 17 and 18 under 35 U.S.C. § 102.

Claims 2-4, 11-13, 15, 31, 32, and 35-37 were rejected under 35 U.S.C. § 103(a) as unpatentable over Niem. Claims 2-4, 11-13, 15, 31, 32, and 35-37 are canceled.

Claims 33 and 34 were rejected under 35 U.S.C. § 103(a) as unpatentable over Niem in view of U.S. Pat. No. 5,867,590 (Eylon). Claims 33 and 34 are canceled.

Claims 38 and 39 were objected to as being dependent upon a rejected claim but were indicated as being allowable if amended to independent form including all of the limitations of the base claim and any intervening claims. In response, claim 38 is amended to independent form including the limitations of now-canceled base claim 16. Claim 39 remains dependent on claim 38 but is no longer dependent on a rejected claim. Accordingly, Applicants request reconsideration and withdrawal of the objection to claims 38 and 39.

In summary, this response to the final office action cancels rejected claims 1-7, 9-16, 19, and 28-37, amends claims 38 and 39 to forms indicated allowable, and amends claims 17 and 18 to depend from allowable claim 38. For the above reasons, Applicants respectfully request withdrawal of the final rejection and allowance of the application including claims 17, 18, 38, and 39.

Please contact the undersigned attorney at (408) 927-6700 if there are any questions concerning the application or this document.

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Respectfully submitted,



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